

REMARKS**Response to Claim Objections**

Claim 1 was objected to by the Examiner because of the following informalities: at lines 10 and 11, it is suggested to modify the limitation "one outer tissue cutting edge, which a tissue receiving opening" to read --one outer tissue cutting edge, with a tissue receiving opening--. However, applicants have amended claim 1 to clarify the portion thereof to which the Examiner objected and to make it clear that the beveled distal tip of the tissue cutting member has the opening not the outer tissue cutting edge of the tissue cutting member.

Response to Claim Rejections Under 35 U.S.C. §103

Claims 1, 7-10, 15, 16, 19, 71, 74, 76, 83-85, 87, 89 and 97-100 were rejected by the Examiner under 35 U.S.C. §103(a) as being unpatentable over Miller et al. (U.S. Pat. 6,758,824) in view of Burbank et al. (U.S. Pat. No. 5,526,822). In the rejection the Examiner contends that Burbank et al. illustrates (Figs. 14A and 14B) a distal wall of the elongated tissue cutting member having a longitudinally oriented slot with a leading and trailing edge and opens to the tissue receiving opening. Applicants have carefully reviewed the cited portion of Burbank et al. and could find no such teaching. Applicants' amendment to these claims makes clear that the tissue receiving opening is in the bevelled distal tip of the tissue cutting member which Burbank et al. does not teach or suggest.


Claims 77-82 and 90-95 were rejected by the Examiner under 35 U.S.C. §103(a) as being unpatentable over Miller et al. ('824) in view of Burbank et al. ('822) and further in view of Majlessi (U.S. Pat. No. 5,871,454). However, Majlessi fails to teach the

features which both Miller et al. and Burbank et al. fail to teach, so the combination as proposed by the Examiner fails to teach all the claimed features and therefore does not support the Examiner's rejection.

Conclusions

Applicants believe that the pending claims are directed to patentable subject matter and respectfully request reconsideration and an early allowance thereof.

Respectfully submitted,

By: 
Edward J. Lynch
Registration No. 24,422
Attorney for Applicants

EDWARD J. LYNCH
Patent Attorney
One Embarcadero Center
Suite 562
San Francisco, CA 94111
Telephone: (415) 646.8028
Facsimile: (415) 646.8035